

IN THE
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI

In re: the Matter of)
	) Bankruptcy No. 15-42549
RAYMOND HOLMES,	) Chapter 13
)
Debtor,	) Motion to Lift Stay
	) filed by Bonnie A. Stroup
20 EAGLES WAY LANE, LLC,)
	) Hearing Date: July 13, 2015
Movant,)
	) Hearing Time: 10:00 a.m.
vs.)
	) Courtroom 7N
RAYMOND HOLMES,)
Debtor,	) Bonnie A. Stroup, #61971MO
RASHONDRA HOLMES,	) Katharyn B. Davis, L.L.C.
Co-Debtor,	) 1420 Strassner
	) St. Louis, MO 63144
	) (314) 962-1115

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Comes now, Movant, 20 Eagles Way Lane, LLC, and for its Motion for Relief from Automatic Stay against Debtor, Raymond Holmes and Co-Debtor, Rashondra Holmes, states as follows:

1. Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code in this Honorable Court on or about April 7, 2015 being Case No. 15-42549; John V. LaBarge, Jr., P.O. Box 430908, St. Louis, MO 63143, has been appointed Trustee of the estate of the above-named Debtor; this Court has jurisdiction over this proceeding pursuant to 28 U.S.C. Section 1334 and 11 U.S.C. Section 362, and Bankruptcy Rules 4001(a) and 9014.

2. Debtor and Co-Debtor presently occupy the premises known and numbered as LOT 42 OF RAVEN'S POINTE, PLAT 3, A SUBDIVISION IN ST. CHARLES

COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 29 PAGE 181 OF THE ST. CHARLES COUNTY RECORDS. commonly referred to as 20 Eagles Way Lane, Lake St. Louis, MO 63367, which is secured by a note and deed of trust given by Debtor and Co-Debtor to Movant, 20 Eagles Way Lane, LLC on June 1st, 2010. Movant's security interest is properly perfected by the recording of the Deed of Trust.

4. Said deed of trust was to be paid in full on or before May 31, 2011, with monthly payments of \$1,594.00.

5. Debtor and Co-Debtor have failed to make payments on said Note and Deed of Trust and continue to fail to make payments on said Note and Deed of Trust.

6. Through April 7, 2015, Debtor and Co-Debtor owe in excess of \$277,000.00 pursuant to said Note and Deed of Trust. The principal balance due on the note is \$277,000.00 through April 7, 2015.

7. Movant had scheduled the property to be foreclosed on April 10, 2013 and Debtor filed this bankruptcy only to circumvent the foreclosure.

8. Movant is essentially the only creditor under Debtor's Ch.13 plan.

9. The Department of Revenue has filed a Motion to Dismiss for failure to file multiple years of tax returns.

10. Movant has discovered through the municipality in which this property is located, Debtor has wrongfully, without consent of Movant, and not in accordance with City code, moved in renter's to the unit after filing this bankruptcy case.

11. Movant does not have, and has not been offered, adequate protection for its security interest in the property.

12. Accordingly, Movant is in need of and entitled to relief from the automatic stay pursuant to 11 U.S.C. Section 362(d) in order to protect its interest in the property. Absent such an order, Movant's interest in the property will be irreparably injured and harmed.

WHEREFORE, Movant, 20 Eagles Way Lane, LLC, moves that the stay afforded by 11 U.S.C. Section 362 be lifted so as to permit Movant to proceed with foreclosure under its deed of trust and appropriate State statutes; for attorney's fees in the amount of \$600.00; for court costs and for such other and further relief as this Court may deem due and proper.

_____/s/_____
BONNIE A. STROUP, #61971MO
Attorneys for Movant
Katharyn B. Davis, LLC
1420 Strassner
St. Louis, MO 63144
(314) 962-1115

CERTIFICATE OF SERVICE

A copy of the foregoing was sent via first class mail or electronically this 22 day of June, 2015 to: Debtor, Raymond Holmes, 20 Eagles Way Lane, Lake St. Louis, MO 63367, Co-Debtor, Rashondra Holmes, 20 Eagles Way Lane, Lake St. Louis, MO 63367, John V. LaBarge, P.O. Box 430908, St. Louis, MO 63143, Trustee.

_____/s/____Bonnie A. Stroup_____

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) St. Louis, MO 63144
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NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the Motion for Relief from Automatic Stay with regard to Co-Debtor and Debtor's personal residence, the undersigned will move before the Honorable Kathy A. Surratt-States, in United States Bankruptcy 7th Floor North Courtroom, Eagleton Federal Court Building, St. Louis, Missouri on **July 13th, 2015 at 10:00 a.m.**, for an order terminating the stay against Debtor and Co-Debtor so as to permit State Court proceedings for Foreclosure on Deed of Trust against the Debtors at the property known and numbered as LOT 42 OF RAVEN'S POINTE, PLAT 3, A SUBDIVISION IN ST. CHARLES COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 29 PAGE 181 OF THE ST. CHARLES COUNTY RECORDS commonly referred to as 20 Eagles Way Lane, Lake St. Louis, MO 63367 described in the motion and documents filed in this proceeding and to pursue its state court remedies lien; (b) granting such other and further relief as may seem just and proper.

**FAILURE TO FILE A RESPONSE TO THE MOTION WITHIN FIVE (5)
BUSINESS DAYS BEFORE HEARING DATE MAY RESULT IN A DEFAULT
ORDER BEING GRANTED.**

Bonnie A. Stroup, #61971MO
1420 Strassner
St. Louis, MO 63144
(314) 962-1115
(314) 968-5030
bstroup@kdbllc.com

On this 22 day of June, 2015,

Copy mailed or sent electronically to:

Raymond Holmes
Debtor
20 Eagles Way Lane
Lake St. Louis, MO 63367

Rashondra Holmes
Co-Debtor
20 Eagles Way Lane
Lake St. Louis, MO 63367

John V. LaBarge
Trustee
P.O. Box 430908
St. Louis, MO 63143

/s/ _____
Bonnie A. Stroup